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10/085,411	02/28/2002	Douglas Richard Luehrs	A-7295	3215

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EXAMINER
NEWLIN, TIMOTHY R

ART UNIT	PAPER NUMBER
2424	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

	Application No.	Applicant(s)
Office Action Summary	10/085,411	LUEHRS, DOUGLAS RICHARD
	Examiner	Art Unit
	Timothy R. Newlin	2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 November 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>98,99,101-109 and 112-129</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>98,99,101-109 and 112-129</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to claim 98 have been considered but are moot in view of the new ground(s) of rejection. The arguments made by Applicant are addressed in the rejection below.

Applicants arguments with respect to claim 103 are understood but are not persuasive. The Applicant argues that nothing in Kim suggests indicating changes from the last time the administrator defined access rights. To the contrary, Kim states the problem directly, in the context of a user setting up an automatic recording:

> [I]n the case where the broadcast schedule for a specific program is changed under the condition that it is reserved for recording on the EPG information, a quite unexpected program is recorded. (col. 1, 60-63).

Kim clearly shows the need for users to know what program information has changed not only in general, but specifically *since they last changed EPG settings*. One of ordinary skill would therefore recognize the need to specify such updates in a system such as Brian that deals with future programming subject to settings. Kim teaches the updating portion of the claim, and Brian teaches the context of a viewing supervision

system. Thus each element is present in the combined references and the rejection stands on that basis.

Applicant further asserts (correctly) that Fig. 4 shows both old and new program information. However, claim 103 merely requires that the updates comprise only changed information. Kim's listings of unchanged programs do not constitute updates; the fact that they are listed does not affect the fact that the *updates* themselves (e.g. those indicated by a "New" icon) comprise only changed information. While the changed information may include that which occurred before the administrator defined content access, that particular requirement is met by col. 1, 60-63 as discussed above.

Regarding claims 104 and 105, the Applicant's argument is persuasive. However, the claims are rejected below on a modified basis.

Applicant's arguments with respect to claim 112 have been considered but are not persuasive. First, the Applicant disagrees that Herrington's indication of locked status is "quick" since the user must first press a lock key and then enter a PIN. However, regardless of whether the indication is quick (a subjective judgment), Herrington does suggest that users may want to determine whether a specific, currently viewed program is locked. Herrington also provides hardware to superimpose an icon on the video display. Given that functionality and the implied desire of users to view lock status, a skilled artisan could readily modify Herrington to result in the claimed subject matter.

Applicant also argues that Herrington teaches away because screen 254 prevents simultaneous viewing of a lock indicator. However, the screen 254 (and the

entering of a PIN) is required only because the user can view *and modify* the lock status on the same screen. Supporting the additional updating functionality is not tantamount to disparaging or teaching away from superimposing lock status on current video. Therefore the rejection stands.

With respect to claim 125, the Applicant's arguments have been considered and are not persuasive, although the rejection has been slightly modified to rely on different sections of Herrington. The applicant's argument relies on a narrow interpretation of "authorization level" that only includes categories such as "adult" or "child" but excludes specific users within a category. Examiner believes "Authorization level" may be reasonably interpreted to encompass profiles such as "User 2" and "User 4" (depicted in Fig. 10b of Herrington) in addition to more general categories. In light of this construction, claim 125 remains rejected over Herrington.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 98-102 are rejected under 35 U.S.C. 103(a) as unpatentable over Brian et al., US 5,548,345, in view of Bates et al., US 6,681,396.

3.   Regarding claim 98, Brian discloses a method for controlling viewer access to
media content, comprising:

providing interactive user interfaces on a screen that enables an administrator to
positively define media content for access by a user, the media content enabled for
access upon a first non-temporal factor **[parents can allow or block channels, col. 2,
1-20, col. 7, 37-52]** and approved for access during an approved time interval **[col. 7,
37-52]**;

determining if the media content is provided at a time outside the approved time
interval **[upon a determination that the video signal is provided at an unapproved
time, unit 10 interrupts the video signal, col. 7, 35-47]**.

Brian does not initiate recording based on a program falling outside the approved
time interval. Bates discloses a method for automatically recording a program whose
viewing has been interrupted **[col. 2, 29-40; col. 8, 4-8]**. The system searches for a
repeat showing of the program outside of the originally viewed time interval, and records
it for later viewing at a desired time. The method is analogous to the claimed invention
because it records a program that cannot be presently viewed due to a conflict. In the
claimed invention, the conflict is created by the administrator blocking a certain time
interval. In Bates, the conflict is due to the program being interrupted for some reason,
and Bates states that one source of interruption may be "demands placed on television
viewers by their children" **[col. 1, 14-19]**. Thus both the claimed invention and Bates
record, in response to a conflict with an approved time interval, programs showing
outside of an approved time interval for later viewing in an approved interval.

Moreover, Brian gives control of a recording device to the parental control
system, thereby giving an administrator further control of recording and future playback
[cols. 5-6, 65-2]. Given the suggestion to expand control of recording, and the positive
(rather than blocking only) designation of allowed programs, it would be obvious to one
of ordinary skill to utilize the automatic recording feature of Bates in order to provide
playback of an authorized program within an approved time interval. Brian explicitly
teaches positive definition, and therefore suggests that an approved program may need
to be viewed as a recording in an approved time interval, if the two settings otherwise
conflict.

4.   Regarding claim 99, Brian discloses a method further comprising enabling
access to the recorded media content during the approved time interval **[cols. 5-6, 60-
2; col. 7, 35-38]**.

5.   Regarding claim 101, Brian discloses a method further comprising:
         providing a warning barker disclosing a time conflict between, the approved time
interval and the real-time presentation of the media content **[warning message is
displayed, col. 7, 44-47]**.

6.   Regarding claim 102, Brian discloses a method further comprising providing the
user with an option to record the media content **[col. 3, 50-52]**.

7.   Claim 103-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brian and Bates as cited above in view of Kim et al., US 6,209,131.

8.   Regarding claim 103, Brian discloses a method for controlling viewer access to

media content, comprising;

    providing interactive user interfaces on a screen that enables an administrator to

define media content for access by a user **[Fig. 7]**.

    Brian does not include a screen showing recent updates to program information.

Kim discloses displaying updates to media content to the administrator, the updates

comprising only changes to the media content **[Figs. 3 and 4, col. 7, 1-18]**. Kim also

states that one motivation for displaying updated information is to address the situation

when a program has been reserved for recording and then is rescheduled or cancelled

[col. 1, 60-63]. This is analogous to the problem in the claimed invention wherein a

parent may define access parameters and the underlying program schedule changes.

Given the suggestion by Kim, it would have been obvious to one skilled in the art of

program guides that Brian could be modified to incorporate the information update

display of Kim, in order to prevent confusion and conveniently inform an administrator

that their settings may need to be changed.

9.   Regarding claims 104 and 105, Brian does not explicitly teach determining and
storing the time at which media was defined for access. Official notice is taken that it is
well-known in microprocessor computing to store a time stamp indicating when data
was stored or updated. Brian does include a real-time clock **[col. 6, 11-12]** and the
microprocessor is capable of reading the current time and accessing memory **[col. 7,
13-16]**. Given the capabilities of Brian and the common practice of recording the time of
data operations in computing, it would have been obvious to one of ordinary skill that
the microprocessor could determine and store to memory when the media content was
last defined for access.

10.   Regarding claim 106, Kim discloses a method wherein the updates are displayed
on an update screen **[Fig. 4]**.

11.   Regarding claim 107, neither reference teaches a banner per se. However,
official notice is taken that the use of a banner-type display was well-known and
common in the art of graphical user displays at the time of invention. It would have
been obvious to one skilled in the art that new or updated schedule information could be
displayed via a banner, rather than adding an icon as shown in Fig. 4 of Kim.
Depending on the chosen shape of the program guide itself, a banner shape could be
more fitting.

12.   Regarding claim 108, Kim discloses a method wherein the updates relate to pay

per view content **[col. 1, 23-27]**.

13.   Regarding claim 109, Kim refers specifically to new programs, but not new

channels. However, it is clear that the EPG contains channel information **[Fig. 1, col. 1,**

23-24]. Futhermore, official notice is taken that it was well-known that broadcasters

added or removed channels from the lineup occasionally. Given that fact and the

updating scheme of Kim, it would have been obvious to one skilled in the art to modify

Kim to track channel updates as well as program updates, in order to notify users when

a new channel needs to be either allowed or blocked.

14.   Claims 112-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Herrington et al., US 6,922,843.

15.   Regarding claim 112, Herrington discloses a method for controlling viewer

access to media content, comprising:

        providing interactive user interfaces on a screen that enables an administrator to

positively define media content for access by a user for a designated authorization level

[e.g., Figs. 4A and 4B];

        enabling the user to access media content enabled for a first authorization level

[certain users are authorized to view R rated movies, e.g. Fig. 18A];

displaying media content enabled for the first authorization level on a display

screen **[video of R-rated movie, e.g. Apolcalypse Now, is displayed when**

authorized user enters code, Fig. 18C].

Herrington does not show a lock indication on the video screen itself. However,

Herrington does allow a user to receive an indication of whether the media content is

enabled for other users, simply by pressing the lock key and entering a PIN **[Fig. 16,**

col. 16, 12-16]. A black lock icon appears on the next screen (254) to indicate if the

program is locked for a second user authorization level. Given the suggestion that a

user may want to view the lock status of a currently displayed video, it would have been

obvious to one of ordinary skill that the lock icon could be superimposed on the video

itself so the user would not have to press the lock key to view the icon. Herrington

already is capable of superimposing graphics on a television, and the removal of an

extra step could be readily implemented by one of ordinary skill. The core functionality

of conveying lock status is not significantly changed, and the result of a simultaneous

display is entirely predictable.

16.   Regarding claim 113, official notice is taken that placing icons in the corner of a

video display was a widespread practice at the time of invention. The obvious purpose

is to avoid blocking the content itself, while still conveying information with an icon. It

would have been obvious to locate a lock status icon in the corner of the screen.

17.   Regarding claim 114, Herrington discloses a method wherein the media content

is displayed in real-time **[Fig. 18 demonstrates a real-time broadcast channel in**

which one movie ends and another begins].

18.   Regarding claims 115 and 117, Herrington discloses a method wherein the icon

comprises a parental control icon and/or lock **[black lock icon, Fig. 16]**.

19.   Regarding claim 116, Herrington discloses a method wherein the first

authorization level is an administrative authorization level **[parental level,** and the

second authorization level is a child authorization level **[example given in Fig. 16**

involves a parent, who is authorized to view Apocalypse now, setting a second

authorization level, e.g. for a child, col. 16, 10-22; col. 1, 60-65; also see claim 2].

20.   Regarding claim 118, Herrington discloses a method further comprising allowing

the user to enable the media content for the second authorization level **[example given**

in Fig. 16 involves a parent, who is authorized to view Apocalypse now, setting a

second authorization level, e.g. for a child, col. 16, 10-22].

21.   Regarding claim 119, Herrington discloses a method further comprising

displaying an approval screen to the user to allow the user to enable the media content

for the second authorization level **[e.g., "accept selections, Fig. 4B]**.

22.   Regarding claim 120, Herrington discloses a method further comprising receiving

an input from the user **[Fig 4B, "user selects..."]**.

23.   Regarding claim 121, Herrington discloses a method further comprising enabling

the media content for the second authorization level **[e.g. enabling content with**

certain ratings, or enabling pay-per-view content, Fig 4B].

24.   Regarding claim 122, Herrington discloses a method further comprising

displaying an approval screen to the user to allow the user to disable the media content

for the second authorization level **[e.g., "accept selections, Fig. 4B]**.

25.   Regarding claim 123, Herrington discloses a method further comprising disabling

the media Content for the second authorization level **[e.g., disabling a specific title on**

screen 145, Fig. 4B].

26.   Regarding claim 124, Herrington discloses a method further comprising

displaying an indicator near the icon, the indicator indicating a button to press on a

remote control to display an approval screen to enable the media content for the second

authorization level **[e.g., col. 14, 24-29]**.

27.   Regarding claim 125, Herrington discloses a method for controlling viewer

access to media content, comprising:

        providing interactive user interfaces on a screen that enables an administrator to

positively define media content for a plurality of authorization levels **[e.g., administrator**

can positively identify HBO as viewable by removing the lock, Fig. 10a]; and

        displaying an interactive authorization level linking screen **[screen 210, Fig.**

10b], the interactive-authorization level linking screen showing a first authorization level

[e.g., User 2] and a second authorization level **[e.g., user 4]** and an indication of

whether media content enabled for the second authorization level is enabled for the first

authorization level **[Yes or No icon indicates whether media content enabled (via**

screen 206, Fig. 10b) for one user is enabled for another. In the case depicted in

Fig. 10b, content enabled for User 2 is enabled for User 4, but not for User 3.].

        Herrington does not use an icon to show whether media content is enabled for

the respective authorization levels, instead using simply "parent" or "non-parent" under

a "Type" heading **[Fig. 5A]**. Herrington also uses icons in a number of other places

within the user interfaces **[e.g. screen 153, Fig. 5B]**. Given the disclosure of icons by

Herrington and the disclosed indication of authorization level, one of ordinary skill could

have readily and obviously modified Herrington to use an icon to convey whether media

content is enabled for a respective user on a screen such as 157 in Fig. 5A. Using an

icon rather than text makes more efficient use of limited screen space and can provide

an intuitive and therefore quick recognition of information by a user.

28.   Regarding claim 126, Herrington discloses a method further comprising linking

the first authorization level with the second authorization level to enable for the first

authorization level media content previously enabled for the second authorization level

in addition to the media content enabled for the first access level **[administrator "links"**

the User 2 authorization and the User 4 authorization levels, which causes

Channel #30 to be blocked in addition to the previous settings in place on either

User 2 or User 4's authorization profile.].

29.

30.   **a user with pre-existing parental rights (e.g. user 1) may "link" a new user**

(e.g. user 3) to the same authorization level having parental rights, via the

account type selector 154, Fig. 5A, col. 11, 48-57].

31.   Regarding claim 127, Herrington discloses a method wherein the authorization

levels are provided in order of authorization level rank **[screens 148 and 158 lists**

authorization levels beginning with "parent" before "non-parent," i.e. the

accounts are ranked by access level].

32.   Regarding claim 128, Herrington discloses a method wherein the step of

displaying an interactive authorization level linking screen to a user comprises

displaying a plurality of user authorization levels and an associated include block

indicating which authorization levels are linked to the first authorization level **[area 157
in Fig. 5A lists what authorization levels are linked to the same parental rights via
the Type column]**.

33.   Regarding claim 129, Herrington discloses a method further comprising receiving
a user input to determine whether to link the authorization levels **[user uses interface
shown in Fig. 5A, among others, to provide user input]**.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Timothy R. Newlin whose telephone number is (571)
270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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/Chris Kelley/
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TRN